

JP

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILIP P. KALODNER

CIVIL ACTION

v.

GENWORTH LIFE AND ANNUITY  
INSURANCE COMPANY

FILED

JUN 26 2017

NO. 16-4817

KATE BARKMAN, Clerk  
By ORDER Dep. Clerk

**AND NOW**, this 26th day of June, 2017, upon consideration of Defendant Genworth Life and Annuity Insurance Company's Motion to Dismiss (Docket No. 10), and all documents filed in connection therewith, **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

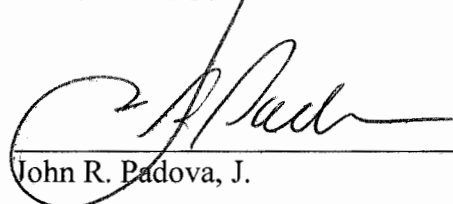
1. The Motion is **GRANTED** insofar as it seeks dismissal of Counts II, III, and the portion of Count I that claims that Defendant breached its insurance policy with Plaintiff by engaging in "modeling," and Counts II, III, and the portion of Count I that alleges a breach based on improper modeling are **DISMISSED**.
2. The Motion is **DENIED** insofar as it seeks dismissal of the portion of Count I that claims that Defendant breached its insurance policy with Plaintiff by considering premium patterns in setting the Cost of Insurance.

ENTERED

JUN 26 2017

CLERK OF COURT

BY THE COURT:

  
John R. Padova, J.